

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 05, 2018

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Elijah Juan James

Case Number: 0980 1:16CR02048-SAB-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, U.S. District Judge

Date of Original Sentence: March 8, 2017

Original Offense: Crime on Indian Reservation-Assault by Striking Beating, or Wounding, 18 U.S.C. §§ 113(a)(4) & 1153

Original Sentence: Prison - 3 months
TSR - 12 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Benjamin David Seal

Date Supervision Commenced: March 31, 2017

Defense Attorney: Federal Defenders

Date Supervision Expires: March 30, 2018

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Special Condition #4: You shall abstain from the use of illegal controlled substances, and shall submit to uranalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On March 31, 2017, Mr. James reported to the United States Probation Office. He was read and given a copy of his judgment. He signed his judgment stating he understood his conditions.

Mr. James was instructed to report to the United States Probation Office on December 14, 2017. He was directed to submit a random urine test. Mr. James self disclosed he would fail the urinalysis test due to using methamphetamine.

Mr. James is in direct violation of his court ordered condition by self disclosing he used methamphetamine on December 13, 2017. He signed a drug use admission form reflecting the same.

Re: James, Elijah Juan

December 29, 2017

Page 2

It should be noted Mr. James did submit a urine sample, and this test came back positive for methamphetamine and cocaine. The methamphetamine and cocaine use was confirmed by Alere Laboratories on December 19, 2017. Mr. James reports he was unaware he used cocaine.

- 2 **Special Condition #4** : You shall abstain from the use of illegal controlled substances, and shall submit to uranalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On March 31, 2017, Mr. James reported to the United States Probation Office. He was read and given a copy of his judgment. He signed his judgment stating he understood his conditions.

Due to Mr. James' admitted drug use, he was directed to start phase urine testing, and was directed to call the urine testing hotline daily. He was directed to listen for the color brown 1. If said color was called, he had between 7 a.m. and 7 p.m. to report to Pioneer Human Services (PHS) to supply a urine sample.

On December 20, 2017, the color brown 1 was called and Mr. James failed to submit for a urine test. The undersigned officer called Mr. James on December 21, 2017, requesting an explanation on why he missed his urinalysis. Mr. James reported he forgot to call. Mr. James is in direct violation of his conditions by not submitting to a random urine test as directed.

- 3 **Special Condition #4** : You shall abstain from the use of illegal controlled substances, and shall submit to uranalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On March 31, 2017, Mr. James reported to the United States Probation Office. He was read and given a copy of his judgment. He signed his judgment stating he understood his conditions.

Due to Mr. James not submitting a random urine sample December 20, 2017, he was directed to report to the United States Probation Office on December 21, 2017. Mr. James reported as directed, and self disclosed he used methamphetamine again on December 19, 2017. He signed a drug use admission form reflecting this.

Mr. James is in direct violation of his conditions by consuming methamphetamine on December 19, 2017.

- 4 **Special Condition #4** : You shall abstain from the use of illegal controlled substances, and shall submit to uranalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Re: James, Elijah Juan

December 29, 2017

Page 3

Supporting Evidence: On March 31, 2017, Mr. James reported to the United States Probation Office. He was read and given a copy of his judgment. He signed his judgment stating he understood his conditions.

Due to Mr. James' admitted drug use, he was directed to start phase urine testing and was directed to call the urine testing hotline daily. He was directed to listen for the color brown 1. If said color was called, he had between 7 a.m. and 7 p.m. to report to PHS to supply a urine sample.

On December 27, 2017, the color brown 1 was called, and Mr. James failed to report as instructed. The undersigned officer called Mr. James and informed him that he, yet again, missed another urine test. Mr. James reports that he forgot to call. This officer continued to remind Mr. James that he needs to call PHS daily, and to report as directed. He understands that failing to follow this directive will result in more alleged violations. Mr. James is in direct violation of his conditions by not submitting to a random urine test as directed.

- 5 **Special Condition #4 :** You shall abstain from the use of illegal controlled substances, and shall submit to uranalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On March 31, 2017, Mr. James reported to the United States Probation Office. He was read and given a copy of his judgment. He signed his judgment stating he understood his conditions.

Due to Mr. James missing his random urine test on December 27, 2017, he was directed to report to the United States Probation Office on December 28, 2017. He self disclosed he used marijuana on December 26, 2017. He signed a drug use admission form reflecting this illegal drug use.

He submitted a urine test that was presumptive positive for methamphetamine. Mr. James was confronted on the test results, and he admitted to using methamphetamine on December 25, 2017. He signed a second drug use admission form reflecting his illegal drug use. Mr. James is in direct violation of his conditions by illegally using marijuana and methamphetamine.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/29/2017

s/Joshua D. Schull

Joshua D Schull
U.S. Probation Officer

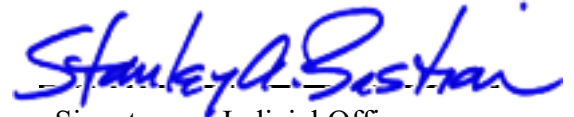
Re: James, Elijah Juan

December 29, 2017

Page 4

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

1/5/2018

Date